

**IN THE UNITED STATES COURT OF APPEALS
FOR THE DISTRICT OF COLUMBIA CIRCUIT**

INTERSTATE NATURAL GAS ASSOCIATION
OF AMERICA; AMERICAN PETROLEUM
INSTITUTE,

Petitioners,

v.

Case No. 23-1193

U.S. ENVIRONMENTAL PROTECTION
AGENCY; MICHAEL S. REGAN,
Administrator, U.S. EPA,

Respondents.

**PETITIONERS INTERSTATE NATURAL GAS
ASSOCIATION OF AMERICA AND AMERICAN PETROLEUM
INSTITUTE'S NONBINDING STATEMENT OF ISSUES**

Pursuant to this Court's order of July 26, 2023, petitioners Interstate Natural Gas Association of America (INGAA) and American Petroleum Institute (API) submit this nonbinding statement of issues in the consolidated cases challenging the final action of the United States Environmental Protection Agency (EPA) entitled *Federal "Good Neighbor Plan" for the 2015 Ozone National Ambient Air Quality Standards*, published at 88 Fed. Reg. 36,654 (June 5, 2023).

The issues presented are (1) whether EPA's regulation of pipeline engines that emit far less NOx than EPA's 100-tons-per-year significant-

contribution threshold exceeded EPA's statutory authority and was arbitrary and capricious, (2) whether EPA's disregard of its \$7,500/ton cost-effectiveness threshold exceeded EPA's statutory authority and was arbitrary and capricious, (3) whether EPA's conducting of cost-effectiveness analysis by measuring reductions in annual emissions and failure to address comments urging such analysis be limited to ozone-season emissions exceeded EPA's statutory authority and was arbitrary and capricious; (4) whether EPA's failure to respond to comments requesting emissions averaging on a company-wide, statewide basis was arbitrary and capricious, (5) whether EPA's failure to respond to comments regarding the rule's effects on the reliability of natural gas service was arbitrary and capricious, (6) whether EPA's imposition of an infeasible 2026 compliance deadline was arbitrary and capricious; (7) whether EPA's decision to regulate non-EGU sources like pipeline engines for the first time under the rule and set unprecedented emissions limits on such sources was arbitrary and capricious.

Dated: August 25, 2023

Respectfully submitted,

/s/ Eric D. McArthur

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CERTIFICATE OF SERVICE

I hereby certify that on August 25, 2023, I will cause the foregoing to be served by electronic means through the Court's CM/ECF system, on all counsel of record.

/s/ Eric D. McArthur
Eric D. McArthur